

## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 62nd LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON BUSINESS AND LABOR

**Call to Order:** Chair Elsie Arntzen, on February 15, 2011 at 8:00 AM, in Room 172  
Capitol

#### ROLL CALL

**Members Present:**

Rep. Elsie Arntzen, Chairman (R)  
Rep. Tom Berry, Vice Chairman (R)  
Rep. Chuck Hunter, Vice Chairman (D)  
Rep. Carlie Boland (D)  
Rep. Christy Clark (R)  
Rep. Virginia Court (D)  
Rep. Lila Walter Evans (R)  
Rep. Timothy Furey (D)  
Rep. Edward Greef (R)  
Rep. Harry Klock (R)  
Rep. Jonathan McNiven (R)  
Rep. Scott Reichner (R)  
Rep. Michele Reinhart (D)  
Rep. Matthew M. Rosendale Sr (R)  
Rep. Daniel R. Salomon (R)  
Rep. Sterling Small (R)  
Rep. Cary Smith (R)  
Rep. Gordon Vance (R)

**Members Excused:** Rep. Pat Noonan (D)  
Rep. Carolyn Squires (D)  
Rep. Jeffery W. Welborn (R)

**Members Absent:** None

**Staff Present:** Bart Campbell, Legislative Branch  
Sandra Sullivan, Committee Secretary

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: HB 275, 2/4/2011; HB 405, 2/4/2011; HB 416, 2/4/2011; HB 440, 2/4/2011; HB 500, 2/4/2011; HB 531, 2/4/2011

Executive Action: HB 105; HB 124; HB 128; HB 188; HB 311; HB 378; HB 394; HB 399; HB 408; HB 427; HB 428; and HB 500

00:02:47 Rep. Welborn, Rep. Noonan and Rep. Squires arrived.

**HEARING ON HB 275**

**Opening Statement by Sponsor:**

00:03:50 Rep. Scott Reichner (R), HD 9, opened the hearing on HB 275, Provide offset of personal consumption expenses in survival actions.

**Proponents' Testimony:**

00:05:07 Mark Taylor, Montana Hospital Association

00:05:56 Kiely Keane, Billings Clinic

00:09:55 Dr. Mike Priddy, Utah Medical Insurance Association

**EXHIBIT(buh37a01)**

00:18:12 Dr. Michael Brown, Pathologist

00:20:24 Dr. Paul Cook, President, Rocky Mountain Health Clinic

00:21:28 Dr. Dick Brown, President, Montana Medical Association and Director, Medical Lab, St. Vincent Hospital

00:22:46 Erin MacLean, Montana Medical Association

00:23:12 Mike Foster, Catholic Hospitals of Montana

00:23:28 Bill Warden, Benefis, Deaconess and St. Joseph Hospitals

00:23:46 John Bennion, Montana Chamber of Commerce

**Opponents' Testimony:**

00:24:02 Rep. Ken Peterson, HD 46

00:29:26 Rep. Rosendale

00:29:48 Rep. Peterson

00:30:13 Rep. Rosendale

00:30:28 Rep. Peterson

00:30:44 Rep. Rosendale

00:30:55 Rep. Peterson

00:31:33 Vice Chairman Hunter

00:31:43 Rep. Peterson

00:32:42 Monte Beck, Attorney

00:37:21 Jim Hunt, Attorney

00:42:45 Al Smith, Montana Trial Lawyers Association

**EXHIBIT(buh37a02)**

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:49:07 Rep. Clark

00:49:35 Dr. Priddy  
 00:49:45 Rep. Clark  
 00:49:55 Dr. Priddy  
 00:50:00 Rep. Clark  
 00:50:23 Dr. Priddy  
 00:50:37 Rep. Hunter  
 00:51:15 Mr. Brown  
 00:51:54 Rep. Hunter  
 00:51:58 Mr. Brown  
 00:52:07 Rep. Court  
 00:52:34 Mr. Smith  
 00:52:56 Rep. Court  
 00:54:02 Dr. Priddy  
 00:55:01 Rep. Boland  
 00:56:17 Chairwoman Arntzen

**Closing by Sponsor:**

00:56:30 Rep. Reichner

**HEARING ON HB 416**

**Opening Statement by Sponsor:**

01:01:26 Rep. Harry Klock (R), HD 83, opened the hearing on HB 416, Provide for confidentiality for medical practices quality assurance.

**Proponents' Testimony:**

01:02:36 Dr. Brown  
[EXHIBIT\(buh37a03\)](#)  
 01:09:00 Dr. Cook  
 01:11:27 Greg Drapes, Monida Healthcare Network  
 01:16:30 Dr. George Bentzel, General Surgeon  
 01:18:03 Ms. Keane  
 01:20:28 John Flink, Montana Hospital Association  
 01:20:51 Mr. Foster

**Opponents' Testimony:**

01:21:22 Mr. Smith  
[EXHIBIT\(buh37a04\)](#)  
[EXHIBIT\(buh37a05\)](#)  
[EXHIBIT\(buh37a06\)](#)  
[EXHIBIT\(buh37a07\)](#)  
 01:29:41 Mr. Beck  
 01:33:18 Mr. Hunt

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:34:38 Rep. Clark

01:35:16 Mr. Beck

**Closing by Sponsor:**

01:36:38 Rep. Klock

**HEARING ON HB 405**

**Opening Statement by Sponsor:**

01:37:28 Rep. Janna Taylor (R), HD 11, opened the hearing on HB 405, Medical malpractice reform.

**Proponents' Testimony:**

01:42:36 Dr. Robert Stears, Radiologist, St. Vincent's Hospital

[EXHIBIT\(buh37a08\)](#)

01:48:56 Dr. Carter Beck, Missoula Physician

01:54:53 Ms. MacLean

02:00:12 Dr. Cook

02:01:21 Dr. Brown

[EXHIBIT\(buh37a09\)](#)

02:04:15 Dr. Bentzel

02:07:13 Mr. Flink

02:07:36 Mr. Foster

02:08:19 Aimee Grmoljez, Billings Clinic

02:08:49 Mr. Bennion

**Opponents' Testimony:**

02:09:28 Mr. Hunt

02:16:32 Mr. Smith

[EXHIBIT\(buh37a10\)](#)

[EXHIBIT\(buh37a11\)](#)

[EXHIBIT\(buh37a12\)](#)

[EXHIBIT\(buh37a13\)](#)

[EXHIBIT\(buh37a14\)](#)

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

02:29:06 Rep. Furey

02:30:05 Mr. Smith

02:31:00 Rep. Furey

02:31:18 Mr. Smith

02:32:01 Rep. Furey

02:32:34 Mr. Smith

02:33:15 Rep. Reinhart

02:33:39 Mr. Smith

02:34:42 Rep. Reinhart

02:34:58 Mr. Smith  
 02:35:30 Rep. Reinhart  
 02:35:37 Mr. Smith  
 02:35:52 Rep. Reinhart  
 02:35:58 Mr. Smith  
 02:36:05 Rep. Reinhart  
 02:36:14 Ms. MacLean  
 02:36:20 Rep. Reinhart  
 02:36:28 Ms. MacLean  
 02:38:04 Rep. Reinhart  
 02:38:23 Ms. MacLean  
 02:39:02 Rep. Reinhart  
 02:39:10 Ms. MacLean  
 02:39:55 Rep. Hunter  
 02:40:12 Ms. MacLean  
 02:40:35 Rep. Hunter  
 02:41:19 Ms. MacLean  
 02:42:14 Rep. Hunter  
 02:42:20 Ms. MacLean  
 02:42:57 Rep. Clark  
 02:43:40 Mr. Hunt  
 02:44:28 Rep. Rosendale  
 02:45:18 Ms. MacLean

**Closing by Sponsor:**

02:45:33 Rep. Taylor  
  
 02:49:14 Recessed  
 03:15:16 Resumed  
 03:15:30 Rep. Small and Rep. Squires did not return.

**HEARING ON HB 440**

**Opening Statement by Sponsor:**

03:15:40 Rep. Daniel Salomon (R), HD 12, opened the hearing on HB 440, Require all public and private employers to use E-Verify program.

**Proponents' Testimony:**

03:07:29 Rep. McNiven left.  
 03:19:55 Paul Nachman, Citizen  
 03:25:56 Rep. Squires and Rep. Small returned.  
 03:27:51 Bob Winger, President, Local 11, United Brotherhood of Boilermakers

**Opponents' Testimony:**

03:29:23 Jason Todhunter, Montana Logging Association  
 03:32:27 Mr. Bennion  
 03:34:56 Scott Crichton, Executive Director, American Civil Liberties Union (ACLU)

**EXHIBIT(buh37a15)**

03:38:16 Deborah Smith, American Immigration Lawyers Association (AILA)  
03:44:41 Aimee Grmoljez, Montana Bankers' Association  
03:45:13 Rep. Vance left.  
03:45:16 Shahal Haque-Haushuh, Citizen  
03:53:07 Willy Duffield, Duffield Express Trucking  
03:57:34 Cindy Swank, Citizen

**Informational Testimony:**

04:00:19 Mark Cadwallader, Staff Attorney, Department of Labor and Industry (DLI)  
[EXHIBIT\(buh37a16\)](#)

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:**

04:03:08 Rep. Salomon  
  
04:05:05 Rep. Vance returned.

**HEARING ON HB 500**

**Opening Statement by Sponsor:**

04:06:08 Rep. Kris Hansen (R), HD 33, opened the hearing on HB 500, Make daylight savings time official in Montana; don't return to standard time.

[EXHIBIT\(buh37a17\)](#)

[EXHIBIT\(buh37a18\)](#)

**Proponents' Testimony:** None

**Opponents' Testimony:**

04:11:47 Ms. Swank  
[EXHIBIT\(buh37a19\)](#)  
[EXHIBIT\(buh37a20\)](#)

**Informational Testimony:** None

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:**

04:17:00 Rep. Hansen

**HEARING ON HB 531**

**Opening Statement by Sponsor:**

04:18:10 Rep. Steve Fitzpatrick (R), HD 20, opened the hearing on HB 531, Revise civil liability for multiple defendants.

**Proponents' Testimony:**

04:28:38 Mr. Taylor  
04:30:20 Ms. Keane

**Opponents' Testimony:**

04:35:42 Mr. Beck  
04:46:47 Brenda Lindlief Hall, Attorney  
04:47:40 Mr. Smith

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

04:50:09 Rep. Clark  
04:50:45 Rep. Fitzpatrick  
04:52:16 Rep. Clark  
04:52:57 Rep. Fitzpatrick  
04:53:23 Rep. Furey  
04:53:43 Rep. Fitzpatrick

**Closing by Sponsor:**

04:54:38 Rep. Fitzpatrick  
  
04:57:29 Recessed  
05:10:21 Resumed  
05:11:00 Rep. Klock, Rep. McNiven, Rep. Reichner and Rep. Welborn did not return.

**EXECUTIVE ACTION ON HB 105**

05:11:06 **Motion:** Rep. Berry moved that **HB 105 DO PASS.**

05:11:23 **Motion:** Rep. Berry moved that **HB 105 BE AMENDED.**

[EXHIBIT\(buh37a21\)](#)

[EXHIBIT\(buh37a22\)](#)

**Discussion:**

05:11:38 Mr. Campbell  
05:12:49 Chairwomen Arntzen  
05:13:10 Mr. Campbell  
05:13:30 Rep. Squires  
05:13:41 Mr. Campbell  
05:15:20 Rep. Squires

05:15:40 **Motion:** Rep. Berry moved that **HB 105 BE INDEFINITELY POSTPONED** with out objection.

**EXECUTIVE ACTION ON HB 124**

05:16:06      **Motion:** Rep. Hunter moved that **HB 124 DO PASS.**

05:16:57      **Motion:** Rep. Hunter moved that **HB 124 BE AMENDED.**  
**EXHIBIT**(buh37a23)

**Discussion:**

05:17:00      Vice Chairman Hunter

05:17:40      **Vote:** Motion carried unanimously by voice vote. Rep. Klock, Rep. McNiven,  
Rep. Reichner and Rep. Welborn voted by proxy.

05:17:55      **Motion:** Rep. Hunter moved that **HB 124 BE INDEFINITELY POSTPONED**  
without objection .

**EXECUTIVE ACTION ON HB 128**

05:18:24      **Motion:** Rep. Noonan moved that **HB 128 DO PASS.**

**Discussion:**

05:18:37      Chairwoman Arntzen

05:19:51      **Motion:** Rep. Noonan moved that **HB 128 BE AMENDED.**  
**EXHIBIT**(buh37a24)

**Discussion:**

05:20:00      Mr. Campbell

05:21:22      **Vote:** Motion carried unanimously by voice vote. Rep. Klock, Rep. McNiven,  
Rep. Reichner and Rep. Welborn voted by proxy.

05:21:40      **Motion:** Rep. Noonan moved that **HB 128 DO PASS AS AMENDED.**

**Discussion:**

05:21:52      Rep. Noonan

05:22:29      Rep. Arntzen

05:22:35      **Vote:** Motion failed 7-14 by roll call vote with Rep. Boland, Rep. Court, Rep.  
Furey, Rep. Hunter, Rep. Noonan, Rep. Reinhart and Rep. Squires voting aye.  
Rep. Klock, Rep. McNiven, Rep. Reichner and Rep. Welborn voted by proxy.

05:23:58      **Motion/Vote:** Rep. Berry moved that **HB 128 BE TABLED AND THE VOTE**  
**REVERSED.** Motion carried 14-7 by voice vote with Rep. Boland, Rep. Court,  
Rep. Furey, Rep. Hunter, Rep. Noonan, Rep. Reinhart and Rep. Squires voting  
no. Rep. Klock, Rep. McNiven, Rep. Reichner and Rep. Welborn voted by proxy.



**EXECUTIVE ACTION ON HB 188**

05:24:28     **Motion:** Rep. Berry moved that **HB 188 DO PASS.**

05:25:20     **Motion:** Rep. Berry moved that **HB 188 BE AMENDED.**

[\*\*EXHIBIT\*\*](#)(buh37a25)

[\*\*EXHIBIT\*\*](#)(buh37a26)

**Discussion:**

05:25:40     Mr. Campbell

05:26:42     **Vote:** Motion carried unanimously by voice vote. Rep. Klock, Rep. McNiven, Rep. Reichner and Rep. Welborn voted by proxy.

05:27:07     **Motion/Vote:** Rep. Berry moved that **HB 188 DO PASS AS AMENDED.** Motion failed 7-14 by roll call vote with Rep. Boland, Rep. Court, Rep. Furey, Rep. Hunter, Rep. Noonan, Rep. Reinhart and Rep. Squires voting aye. Rep. Klock, Rep. McNiven, Rep. Reichner and Rep. Welborn voted by proxy.

05:28:30     **Motion/Vote:** Rep. Berry moved that **HB 188 BE TABLED AND THE VOTE REVERSED.** Motion carried 19-2 by voice vote with Rep. Boland and Rep. Reinhart voting no. Rep. Klock, Rep. McNiven, Rep. Reichner and Rep. Welborn voted by proxy.

**EXECUTIVE ACTION ON HB 311**

05:28:54     **Motion:** Rep. Berry moved that **HB 311 DO PASS.**

**Discussion:**

05:29:14     Rep. Hunter

05:29:54     Rep. Reinhart

05:30:17     **Vote:** Motion failed 3-18 by roll call vote with Rep. Greef, Rep. Smith and Rep. Vance voting aye. Rep. Klock, Rep. McNiven, Rep. Reichner and Rep. Welborn voted by proxy.

05:31:33     **Motion/Vote:** Rep. Berry moved that **HB 311 BE TABLED AND THE VOTE REVERSED.** Motion carried unanimously by voice vote. Rep. Klock, Rep. McNiven, Rep. Reichner and Rep. Welborn voted by proxy.

**EXECUTIVE ACTION ON HB 378**

05:31:53     **Motion:** Rep. Berry moved that **HB 378 DO PASS.**

**Discussion:**

05:32:04     Chairwoman Arntzen

05:32:32 **Vote:** Motion failed 7-14 by roll call vote with Rep. Boland, Rep. Court, Rep. Furey, Rep. Hunter, Rep. Noonan, Rep. Reinhart and Rep. Squires voting aye. Rep. Klock, Rep. McNiven, Rep. Reichner and Rep. Welborn voted by proxy.

05:33:28 **Motion/Vote:** Rep. Berry moved that **HB 378 BE TABLED AND THE VOTE REVERSED**. Motion carried 14-7 by voice vote with Rep. Boland, Rep. Court, Rep. Furey, Rep. Hunter, Rep. Noonan, Rep. Reinhart and Rep. Squires voting no. Rep. Klock, Rep. McNiven, Rep. Reichner and Rep. Welborn voted by proxy.

#### **EXECUTIVE ACTION ON HB 395**

05:34:30 **Motion:** Rep. Berry moved that **HB 395 DO PASS**.

#### **Discussion:**

05:34:35 Rep. Squires

05:34:57 Rep. Noonan

05:35:19 **Motion/Vote:** Rep. Berry moved that **HB 395 BE INDEFINITELY POSTPONED**. Motion carried unanimously by voice vote. Rep. Klock, Rep. McNiven, Rep. Reichner and Rep. Welborn voted by proxy.

#### **EXECUTIVE ACTION ON HB 399**

05:36:25 **Motion:** Rep. Berry moved that **HB 399 DO PASS**.

#### **Discussion:**

05:36:39 Chairwomen Arntzen

05:37:06 **Vote:** Motion carried unanimously by voice vote. Rep. Klock, Rep. McNiven, Rep. Reichner and Rep. Welborn voted by proxy.

#### **EXECUTIVE ACTION ON HB 408**

05:37:34 **Motion:** Rep. Berry moved that **HB 408 DO PASS**.

#### **Discussion:**

05:37:37 Chairwoman Arntzen

05:37:54 Rep. Smith

05:38:47 Rep. Reinhart

05:39:40 Rep. Court

05:41:05 Rep. Furey

05:41:43 Rep. Hunter

05:41:57 **Vote:** Motion carried 13-8 by voice vote with Rep. Berry, Rep. Boland, Rep. Court, Rep. Furey, Rep. Hunter, Rep. Noonan, Rep. Reinhart and Rep. Squires voting no. Rep. Klock, Rep. McNiven, Rep. Reichner and Rep. Welborn voted by proxy.

**EXECUTIVE ACTION ON HB 427**

05:43:55 **Motion/Vote:** Rep. Noonan moved that **HB 427 BE TABLED**. Motion carried unanimously by voice vote. Rep. Klock, Rep. McNiven, Rep. Reichner and Rep. Welborn voted by proxy.

**EXECUTIVE ACTION ON HB 428**

05:44:28 **Motion:** Rep. Berry moved that **HB 428 DO PASS**.

**Discussion:**

05:44:33 Vice Chairman Berry

05:44:49 **Vote:** Motion carried unanimously by voice vote. Rep. Klock, Rep. McNiven, Rep. Reichner and Rep. Welborn voted by proxy.

**EXECUTIVE ACTION ON HB 500**

05:45:16 **Motion:** Rep. Berry moved that **HB 500 DO PASS**.

05:45:22 **Motion/Vote:** Rep. Vance moved that **HB 500 BE TABLED**. Motion carried 18-3 by voice vote with Rep. Court, Rep. Noonan and Rep. Salomon voting no. Rep. Klock, Rep. McNiven, Rep. Reichner and Rep. Welborn voted by proxy.

**ADJOURNMENT**

01:48:00      Adjournment

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Sandra Sullivan, Secretary

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Additional Documents:

**EXHIBIT**([buh37aad.pdf](#))